



January 20, 2017

Tessa Fojut, Ph.D.
Environmental Scientist
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6114

Dear Dr. Fojut:

RE: California Rice Commission Comments on the Fipronil Draft Peer Review
Request and the Water Quality Criteria Reports

The California Rice Commission (CRC) provides clarifying comments to the peer review and water quality criteria specific to fipronil. We realize the peer review request comment period is past, but include the document with our remarks on the water quality criteria report. Initially, we did not acknowledge the notice for comments on the draft peer review request because fipronil is not a rice pesticide.

We provide comments on fipronil in the event the usage pattern impacts the outcome of the overall assessment. Fipronil is an insecticide not registered for use on California rice with no future pending or proposed uses. Therefore, rice has no relevance to fipronil and should be removed from the assessment and report.

Data is available on rice because approximately ten years ago, fipronil was evaluated as a potential tool for Rice Water Weevil control at the Rice Experiment Station in Biggs, California. In conjunction with the field trials, the Rice Research Board funded studies at the University of California, Davis on the environmental fate of fipronil. Unfortunately, fipronil does not have a fit in the California rice culture.

The U.S. Environmental Protection Agency (U.S. EPA) registered fipronil on rice over ten years ago with the insecticide applied to the crop in the Southern rice states. However, fipronil was never registered for use on rice in California. The California Department of Pesticide Regulation registers and enforces the use of all pesticides sold and used in the state. All pesticides sold and used in the United States must first receive registration from the U.S. EPA and then licensing in the perspective states where sales and use will occur. California is the only state with a program that registers the pesticide after it receives the U.S. EPA registration. Not all pesticides registered by the U.S. EPA automatically receive registration in California.

In the final stages of the registration process, the U.S. EPA establishes tolerance from the mandatory data including pesticide residue. The tolerance is the allowable residue of the specific pesticide on a food or feed commodity. "We set tolerances, which are the maximum amount of a pesticide allowed to remain in or on a food, as part of the process of regulating pesticides. In some countries tolerances are called maximum residue limits (MRLs)." ~ U.S. EPA, Office of Pesticide Programs

The tolerance for fipronil on rice is listed in the Federal Code of Regulation. Title 40: Protection of Environment. §180.517 Fipronil; tolerances for residues. Rice, grain. 0.04 parts per million. The tolerance for fipronil on rice at the federal level does not, and will not, translate to sales and use on California rice. In checking with the companies registering fipronil, and reviewing product labels, the rice uses no longer exist in the United States.

Documents Open for Comment

1. Request for External Peer Review of the Scientific Basis of Water Quality Criteria for the Protection of Aquatic Life for the Pesticide Fipronil
 - a. Includes referenced sections from rice studies in Attachment 4
 - b. Comment due 11 November 2016
2. Draft Water and Sediment Quality Criteria Report for Fipronil Phase III: Application of the Pesticide Water and Sediment Quality Criteria Methodologies
 - a. Fipronil hydrolysis, photolysis, and biodegradation (anaerobic) in sediment and irrigation water for rice paddy water found in Table 2
 - b. Comments due 20 January 2107

We have provided the clarification of the registration status for fipronil on California rice in the event the lack of usage impacts the outcome of the total assessment and report.

Background on the CRC

The CRC is a statutory organization representing the entirety of the California rice industry consisting of 2,500 rice farmers and 19 marketers. We represent the California rice industry on regulatory issues for pesticides, air and water quality, conservation programs and public education. As a commission, we do not have a membership of interested parties because our members must grow rice, market the commodity and pay a mandatory assessment to the CRC. California is the second largest rice producing state in the United States, growing mostly japonica medium grain on an average of 535,000 acres annually.

The CRC supports the Regional Board staff in utilizing the stakeholder process, and maintaining the procedure for an effective water quality program. Thank you for your consideration of our recommendations. Please contact me if you have any questions, or require additional information.

Sincerely,



Roberta L. Firoved
Industry Affairs Manager